

**ALREADY SUBMITTED TO OFFICE OF PETITIONS
DUPLICATE SUBMISSION FOR IDS REVIEW**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

ALBERT GORDON ANDERSON ET. AL. CASE NO.: CL1960 US NA

SERIAL NO.: 10/699329 GROUP ART UNIT: 1755

FILED: OCTOBER 31, 2003 EXAMINER: ANTHONY J. GREEN

FOR: COPPER COMPLEXES AND THEIR USE AS WOOD PRESERVATIVES

**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE
UNDER 37 CFR 1.313(C)(2)**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants petition to withdraw the above cited application from issue under 37 CFR 1.313(c)(2) in consideration of the accompanying request for continued examination (RCE).

The accompanying RCE complies with 37 CFR 1.114(c) by including the submission of an Information Disclosure Statement (IDS) and the appropriate fee.

Applicants hereby authorize the Commissioner to withdraw from, or credit, Deposit Account 04-1928 (E.I. du Pont de Nemours and Company) all applicable fees for the entry of this petition and accompanying RCE, including the petition fee under 37 CFR 1.17(h) and the RCE fee under 37 CFR 1.17(e).

Applicants respectfully request further consideration of the above cited application in light of the following:

Remarks, which begin on page 2.

Accompanying RCE transmittal, attached herewith
Information Disclosure Statement, attached herewith
PTO Forms SB/08, attached herewith
REFERENCES, attached herewith

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MAY 02 2005

OFFICE OF PETITIONS

Application No.: 10/699329

Docket No.: CL1960 US NA

Petition to Withdraw Application from Issue under 37 CFR 1.313(c)(2)

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REMARKS

Claims 1 – 27 are pending in the application and were allowed in a Notice of Allowance mailed 18 Jan 2005. The issue fee was timely paid 14 Apr 2005 and received by the USPTO 18 Apr 2005.

On 22 Apr 2005, Applicants' representative discovered that no Information Disclosure Statement (IDS) had been filed in this application.

Not filing an IDS in this application was an inadvertent omission owing to the fact that the attorney previously responsible for prosecution of this application had recently left the employ of the assignee, E.I. du Pont de Nemours and Company. This application, as well as others, previously assigned to the leaving attorney had been re-assigned in the beginning of March 2005 to outside counsel, which consequently experienced an overload of responsibilities and overlooked submitting an IDS before paying the issue fee.

That the IDS had not been filed in this application was unnoticed by Applicants' representative below until 22 Apr 2005, four days after the PTO's receipt of the issue fee. It became noticed upon the assignee's conducting its customary due diligence to insure that all relevant information had been sent to the examiner and necessary fees paid.

Immediately upon noticing the absence of an IDS, applicants' representative below prepared this petition and the accompanying RCE.

Owing to the inadvertence of the omission, and Applicants' immediate action upon discovery of it, Applicants respectfully request the granting of this petition in light of the accompanying RCE and IDS submission. As the issue fee has been paid, Applicants further solicit a prompt resolution of the petition to avoid patent publication during the resolution period.

Respectfully submitted,



Loretta F. Smith
ATTORNEY FOR APPLICANTS
Kelly Law Registry for DuPont Legal
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Dated: May 2, 2005



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USPTO FACSIMILE TRANSMITTAL

DATE: 2 May 2005

To: USPTO Office of Petitions

Fr: Loretta Smith, Esq.
Kelly Law Registry for DuPont Legal

FAX: 571.273.0025

Senders's FAX: 302.992.5374

RE: Appl. No.: 10/699,329
Docket No: CL1960 USNA

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OFFICE OF PETITIONS

MEMO: Faxed herewith are the following documents:

Petition to Withdraw An Application from Issue under 37 CFR 1.313(C)(2) [2]
Petition Fee Transmittal [1]
Request for Continued Examination Transmittal [1]
Fee Transmittal [1]
Information Disclosure Statement [2]
PTO Form SB/08 [2]
Certificate of Transmission under 37 CFR 1.8 [1]

No. of Pages : 11 including this sheet.

If you do not receive the entire transmission, please call me at 302.992.2151.

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0651-0091

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Certificate of Transmission under 37 CFR 1.8

USPTO Fax No.: (703) 872-9306

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on May 2, 2005

Date



Signature

Valencia D. HarperTyped or printed name of person signing Certificate302-992-4945Registration Number, if applicableTelephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

10/699329
CL1960USNA**FAX RECEIVED****MAY 02 2005****OFFICE OF PETITIONS**

Page _____ of _____

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

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Under the Paperwork Reduction Act of 1995, no burdens are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1,130.00

Complete If Known

Application Number	10/699329
Filing Date	October 31, 2003
First Named Inventor	Albert Gordon Anderson
Examiner Name	
Art Unit	1755 FAX RECEIVED
Attorney Docket No.	CL1860 US NA

MAY 02 2005

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): **OFFICE OF PETITIONS**

Deposit Account Deposit Account Number: **04-1928** Deposit Account Name: **E. I. du Pont de Nemours and Company**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	<input checked="" type="checkbox"/> 300	150	<input checked="" type="checkbox"/> 500	250	<input checked="" type="checkbox"/> 200	100	1,000.00
Design	<input type="checkbox"/> 200	100	<input type="checkbox"/> 100	50	<input type="checkbox"/> 130	65	0.00
Plant	<input type="checkbox"/> 200	100	<input type="checkbox"/> 300	150	<input type="checkbox"/> 160	80	0.00
Reissue	<input type="checkbox"/> 300	150	<input type="checkbox"/> 500	250	<input type="checkbox"/> 600	300	0.00
Provisional	<input type="checkbox"/> 200	100	<input type="checkbox"/> 0	0	<input type="checkbox"/> 0	0	0.00

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100

Multiple dependent claims 360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Small Entity Fee (\$)	Fee (\$)
- 20 or HP =	x 50.00	=		Fee (\$)	Fee Paid (\$)	
HP = highest number of total claims paid for, if greater than 20				YES <input type="checkbox"/>	360.00	

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x 200.00	=			

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number)	x 250.00	=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition to Withdraw An Application From Issue Under 37CFR 1.313(C)2

SUBMITTED BY

Signature	<i>Loretta F. Smith</i>	Registration No. (Attorney/Agent)	45,116	Telephone	(302) 892-8112
Name (Print/Type)	Loretta F. Smith			Date	May 2, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.